

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2084 OF 2007

M/s. Sanghvi Appliances & Ors ... Petitioners.

V/s.

State of Maharashtra & Ors ... Respondents.

Mr S. V. Sadavarte for the petitioners.

Mr V. A. Sonpal A.G.P. for the respondent Nos. 1,
2 and 5.

**CORAM : DR.S.RADHAKRISHNAN
 and V.C.DAGA, JJ.**

DATED : 27th April 2007.

**P.C. :
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1. Perused petition. Heard the learned counsel
for the parties.

2. Rule, rule made returnable forthwith by
consent of the parties. The learned counsel for the
respondents waives service.

3. The learned counsel for the petitioners
submits that sale certificate in respect of the
property purchased by the petitioner from the
respondent no.4 was presented for registration before
the respondent no.5 who refused to register the same
under Indian Registration Act unless attachment on
the property purchased by the petitioners is lifted by
the respondent no. 2 and 3.

4. Mr Sonpal, learned A.G.P. appearing for the respondents, initially, tried to resist the petition by filing affidavit in reply and urged that Section 65 of the C.P.C. would come in the way and as such the respondents will not register the same. Prima facie, Section 65 of the C.P.C. does not bear in such registration under the aforesaid facts and circumstances. Mr Sonpal finding it difficult to support the action of the respondent no.5 and agreed that subject to the execution of confirmation of document; sale deed can be registered.

6. In the above premises, we direct the respondent no.5 to register the said sale deed, subject to confirmation deed without raising any further objection. Rule is made absolute accordingly. No order as to costs.

(V.C.DAGA, J.)

(DR.S.RADHAKRISHNAN, J.)